

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

IN CLERK'S OFFICE  
U.S. DISTRICT COURT  
★ 05 17 2005 ★

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SHEILA MANDEL,

Plaintiff,

-against-

SEGUROS DE VIDA TRIPLE-S, INC., and CIGNA  
GROUP INSURANCE,

Defendants.  
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P.M. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_  
05 CV 778 (ARR) (LB)

NOT FOR ELECTRONIC  
OR PRINT  
PUBLICATION

OPINION AND ORDER

ROSS, United States District Judge:

By complaint filed February 9, 2005, plaintiff pro se Sheila Mandel claims that defendants violated the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. §§ 1001-1461, by terminating her long-term disability benefits. At an initial conference in this matter held before Magistrate Judge Lois Bloom, the court urged defendants to consider reopening the administrative denial of plaintiff's benefits. By order dated July 15, 2005, Magistrate Judge Bloom ruled that, upon such reopening, plaintiff should not be required to submit to a functional capacity evaluation ("FCE"), citing a study suggesting that literature reviews had found FCEs to be unreliable, but rather should undergo an examination by a physician. By papers filed on August 4, 2005, defendants have objected to Magistrate Judge Bloom's ruling. Plaintiff has requested an extension until September 5, 2005 to respond to defendant's objection. The court hereby orders that plaintiff's response must be served and filed by September 5, 2005. No further extensions will be granted.

SO ORDERED.

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Allyne R. Ross  
United States District Judge

Dated: August 16, 2005  
Brooklyn, New York

SERVICE LIST:

Plaintiff Pro Se

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**cc: Magistrate Judge Bloom**